

Remarks

Claims 1-12 are currently pending. Claims 1-7, 10 and 11 have been rejected.

Abstract

The Examiner requested a new abstract be presented on a separate sheet. Applicants have amended the specification accordingly.

35 U.S.C. § 103(a)

The Examiner rejected claims 1-7, 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Hoyer et al. (US 4,622,390) in view of Tzikas (WO 00/06652) and as being unpatentable over Eichorn et al. (WO 03/080739). Applicants traverse these rejections for the following reasons.

While it is true Tzikas et al. disclose compounds embraced by formula (1) and Hoyer et al. disclose compounds embraced by formula (2), neither publication discloses or suggests the combination of such compounds in a dye mixture as presently claimed. Moreover, the dye compounds taught in each publication have different colors; the dyes taught in Tzikas et al. being red and the dyes taught in Hoyer et al. being blue. One of ordinary skill in the art knows not every mixture of arbitrarily selected dyes of different colors can be successfully applied in textile or dyeing processes. For instance, one cannot predict whether the individual dyes, upon combination, will have similar build-up properties which are essential in ensuring the dyes are compatible so that a solid, even appearance is achieved on materials dyed during application of the mixture. In addition, the compatibility of individual dyes for use in a mixture cannot be derived from knowing the chemical structure or physical properties of each of the dyes contained in the mixture. Therefore, because one skilled in the art, at the time of applicants' invention, would not

be choosing from a finite number of identified predictable solutions with a reasonable expectation success, neither publication, alone or in combination, renders applicants claimed invention obvious.

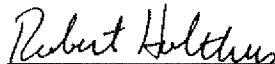
In addition, Eichorn et al. teaches numerous examples (i.e. ~1200) of reactive dye mixtures, but as the Examiner notes, does not teach all the instantly claimed embodiments in a single example. Applicants submit the Declaration of Roentgen which compares the closest example of a dye mixture taught in Eichorn et al. with a dye mixture of the present invention. In particular, the dye mixture of Example 676 in Eichorn et al. was compared against a dye mixture according to the present invention containing a dye of slightly different chemical structure. While both dye mixtures demonstrated the same results with respect to wash fastness and peroxide wash fastness, the dye mixture according to the present invention demonstrated a superior fastness to acid hydrolysis than Eichorn et al.'s dye mixture. The applicants found this to be both surprising and unexpected. Accordingly, applicants respectfully request the rejections under § 103(a) be withdrawn.

Conclusion

Should any fee be due in connection with the filing of this document, the Commissioner for Patents is hereby authorized to deduct said fee from Huntsman Corporation Deposit Account No. 08-3442.

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